



CEPLIS TELEGRAM

*The European Council of the Liberal
Professions*

Coudenberg 70

B-1000 Brussels

Tel : +32.2.511.44.39 - Fax : +32.2.511 01 24

E-mail: ceplis@scarlet.be

www.ceplis.org

Date: 11/08/2010

Pages: 2

N°16/10

This Issue's contents:

- **Professional Qualifications: the European Commission refers Luxembourg back to Court for failing to comply with common rules.**
- **A step further in the revision process of Directive 2005/36/EC.**
- **News from our members.**

Professional Qualifications: the European Commission refers Luxembourg back to Court for failing to comply with common rules.

Acting in order to ensure that common EU rules on the mutual recognition of professional qualifications are respected in Luxembourg. The European Commission has referred the Grand Duchy to the Court of Justice of the European Union.

In the Commission's view, Luxembourg continues to infringe EU law because it has not complied with a judgment of the Court of Justice in 2008 (C-223/08). At the time, the Court ruled that Luxembourg had failed to fulfill its obligations to implement an update that would extend the scope of the Directive on the recognition of professional qualifications to citizens from Romania and Bulgaria. As Luxembourg has still not complied with the Court judgment and has thus not implemented the Directive in full, the Commission has now decided to refer the case back to the Court again and will ask the Court to impose financial penalties on Luxembourg of 4 760 euro per day from the date of the Court ruling until Luxembourg complies with the Directive or until the second Court ruling, as well as 14 280 euro per day from the date of the second Court ruling until Luxembourg complies with the Directive if that is not already the case.

The deadline for implementation of the Directive (2005/36/EC) was 1 January 2007 and Luxembourg has still not brought into force all the necessary provisions/updates. As long as the Directive is not implemented in national law, professionals holding Bulgarian or Romanian qualifications risk enduring needless bureaucracy and slow procedures before being able to exercise their right to work in Luxembourg. Furthermore, potential users of the services of these professionals may be deprived of the opportunity to benefit from their expertise.

Under Article 260 of the Treaty on the Functioning of the European Union, Member States are obliged to take the necessary measures to comply with the judgments of the EU Court. If a Member State still fails to comply following a letter of formal notice, the Commission may refer the case back to the Court and ask the Court to impose a lump sum or penalty payment on Luxembourg.



A step further in the revision process of Directive 2005/36/EC.

As you remember, the revision process of the Directive on the Mutual Recognition of Professional Qualifications (2005/36/EC) has been launched this year with the conference held in Brussels last March.

The first step was the distribution of a Questionnaire prepared by the DG Internal Market and aimed at collecting the remarks and the questions of the professional organizations about their experience of the recognition of professional qualification in Europe (see Telegram n°7.10).

As part of the exercise, a second Questionnaire, more specific, was circulated to a certain number of professions in April. Their answers were expected for mid July. Our British colleagues from the United Kingdom Inter-professional Group (UKIPG) have informed us of this new step in the revision process of the Directive in question. The professions concerned by this questionnaire were: Teachers, Engineers, Tourist Guides, Sport Professions, Social Workers, Physiotherapists and the professional activities falling under the Annex IV of the Directive.

We are now waiting for the European Commission to collect all the answers and to hand out a report on the following of the revision process. The next phase of the evaluation process is expected to be in September.

The Secretariat of CEPLIS will of course keep you informed of any further evolution concerning the revision process of the Directive on the Mutual Recognition of Professional Qualifications.

News from our members.

In June 2010, the “Conseil Central de la Section G” (French Biologists) has adopted the European Code of Conduct of the Medical Biologists. **Mrs. Simone Zerah**, President of EC4/EFCC and Vice-president of CEPLIS, has supervised the signature of the code in question and is one of the precursor concerning the recognition of medical biology in France and in Europe.

